

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Criminal No. M-12-1136-S3
	§	
PEDRO ALVARADO	§	

**GOVERNMENT'S NOTICE OF ITS INTENT TO IMPEACH
DEFENDANT WITH PRIOR CONVICTIONS
(FEDERAL RULE OF EVIDENCE 609)**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the United States of America (hereinafter referred to as the “Government”), by and through Kenneth Magidson, United States Attorney, and Anibal J. Alaniz, Assistant United States Attorney, and files this Notice of its Intent to Impeach Defendant with Prior Convictions pursuant to Federal Rule of Evidence 609 in the event he takes the witness stand.

I.

Federal Rule of Evidence 609 allows a party to attack the character for truthfulness of a witness including the defendant. The provisions of Federal Rule of Evidence 609 differ depending on the age of the prior conviction or their release from confinement.

Less than 10 years passed since conviction or release from confinement

If less than 10 years have passed since the conviction or release from confinement, whichever is later, the Rule states: (1) for a crime that, in the convicting jurisdiction, was punishable by death or imprisonment for more than one year, the evidence: (B) must be admitted in a criminal case in which the witness is a defendant, if the probative value of the evidence outweighs its prejudicial effect to that defendant.

More than 10 years passed since conviction or release from confinement

Evidence of the conviction is admissible only if: (1) its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect; and (2) the proponent gives an adverse party reasonable written notice of the intent to use it so that the party has a fair opportunity to contest its use.

II.

The Government hereby gives notice to the defendant that in the event he takes the stand at his trial it intends to impeach him with the following criminal convictions:

1. On July 21, 1994, in Case No. CR-94-51071 the defendant was convicted for sale of a controlled substance in Hennepin County District Court, Minneapolis, Minnesota.
2. On February 13, 2003, in Case No. 2002-GS-04-2041 the defendant was convicted of conspiracy to traffic in marijuana in the General Sessions Court in South Carolina.
3. On February 13, 2003, in Case No. 2002-GS-24-0616 the defendant was convicted of conspiracy to traffic in cocaine in the General Sessions Court in South Carolina.

WHEREFORE, PREMISES CONSIDERED, the Government hereby notices the Court and the defendant of its intention to impeach him with the above prior convictions in the event he takes the witness stand during his trial.

Respectfully submitted,

KENNETH MAGIDSON
United States Attorney

/s/ Anibal J. Alaniz
Anibal J. Alaniz
Assistant United States Attorney
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Suite 600

McAllen, Texas 78501

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Government's Notice of its Intent to Impeach him with Prior Convictions was on this 19th day of February, 2014 filed by ECF and sent to:

Oscar Alvarez
Attorney at Law
600 S. 11th Street
McAllen, Texas 78501

/s/ Anibal J. Alaniz
Anibal J. Alaniz
Assistant United States Attorney